

EXHIBIT A

COMMONWEALTH OF VIRGINIA



ISLE OF WIGHT CIRCUIT COURT
Civil Division
17000 JOSIAH PARKER CIRCLE
ISLE OF WIGHT VA 23397

Virginia:

Proof of Service

In the ISLE OF WIGHT CIRCUIT COURT

Case number: 093CL23001242-00

Service number: 001

Service filed: December 01, 2023

Judge:

Served by: SPECIAL PROCESS SERVER

Style of case: JANE PHILIPS vs TD BANK NATIONAL ASSOCIATION

Service on: TD BANK NATIONAL ASSOCIATION

2035 LIMESTONE RD.
WILMINGTON DE 19808

Attorney: SHUNIAK, J ANDREW; ESQ

571-201-9021

Instructions:

Returns shall be made hereon, showing service of Summons issued Friday, December 08, 2023 with a copy of the Complaint filed Friday, December 01, 2023 attached.

Hearing date :

Service issued: Friday, December 08, 2023

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



ISLE OF WIGHT CIRCUIT COURT
Civil Division
17000 JOSIAH PARKER CIRCLE
ISLE OF WIGHT VA 23397

Summons

To: TD BANK NATIONAL ASSOCIATION
2035 LIMESTONE RD.
WILMINGTON DE 19808

Case No. 093CL23001242-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Friday, December 08, 2023

Clerk of Court: KATHLEEN S TORRENCE

by _____

Megan Hecker, Esq.
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: SHUNIAK, J ANDREW; ESQ
571-201-9021

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT

Jane Phillips,

Plaintiff,

– against –

TD Bank, National Association and
TransUnion, LLC,

Defendant(s).

Case no. CL23-1242

VALIDATE YOUR PAPERWORK
DO IT ONLINE AT
DATE: 1/19/24
TIME: 10:00 AM
APPROVED BY: [Signature]

TRIAL BY JURY DEMANDED

COMPLAINT AT LAW

NOW COMES Plaintiff by and through her attorneys, the Law Offices of Robert S. Gitmeid & Associates, PLLC, and complains of TD Bank, National Association and TransUnion, LLC as follows:

INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendants' violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. (the "FCRA") and other claims related to unlawful credit reporting practices. The FCRA prohibits furnishers of credit information to falsely and inaccurately report consumers' credit information to credit reporting agencies.

JURISDICTION AND VENUE

2. Jurisdiction is properly vested in this court pursuant to Va. Code § 8.01-328.1 because both Defendants transact business throughout the Commonwealth of Virginia.

3. Jurisdiction is also proper pursuant to 15 U.S.C. § 1681p.

4. Venue in this Court is proper pursuant to Va. Code § 8.01-26(2-4) because Defendants are nonresidents conducting business within the Commonwealth of Virginia and portions of the cause of action arose in Isle of Wight County.

5. This suit was filed within the relevant statute of limitations.

PARTIES

6. Plaintiff, Jane Phillips is an adult citizen of Virginia domiciled in Smithfield, VA. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1681a(c) of the FCRA.

7. Defendant TD Bank, National Association ("TD Bank") does business throughout the country and in the Commonwealth of Virginia. TD Bank regularly and in the course of business, furnishes information to one or more consumer reporting agencies about its transactions or experiences with any consumer and therefore is a "furnisher" of consumer credit information as that term is used in Section 1681s-2 of the FCRA.

8. Defendant TransUnion, LLC ("TransUnion") is a limited liability company, doing business throughout the country and in the Commonwealth of Virginia. TransUnion is a "consumer reporting agency" as defined in Section 1681a(f) of the FCRA.

FACTUAL ALLEGATION

9. TD Bank issued an account ending in 8547 to Plaintiff; the account was routinely reported on Plaintiff's consumer credit report.

10. The consumer report at issue is a written communication of information concerning Plaintiff's credit worthiness, credit standing, credit capacity, character, general reputation,

personal characteristics, or mode of living which is used or for the purpose of serving as a factor in establishing the consumer's eligibility for credit to be used primarily for personal, family, or household purposes as defined by 15 U.S.C. § 1681a(d)(1) of the FCRA.

11. On or about March 16, 2023, Plaintiff and RAS LaVrar, LLC on behalf of TD Bank entered into a settlement agreement for the above referenced account. A copy of the settlement agreement is attached hereto as **Exhibit A.**

12. Pursuant to the terms of the settlement, Plaintiff was required to make a lump sum payment totaling \$1,980.00 to settle and close her TD Bank account.

13. Plaintiff, via counsel, timely made the requisite settlement payment in compliance with the terms of the aforementioned settlement agreement. A paid in full letter is attached hereto as **Exhibit B.**

14. However, over 3 months later, Plaintiff's account continued to be negatively reported.

15. On a requested credit report dated July 10, 2023, Plaintiff's TD Bank account was reported with a status of "Charge Off" a balance of \$650.00, and a past due balance of \$650.00. The relevant portion of Plaintiff's credit report is attached hereto as **Exhibit C.**

16. This trade line was inaccurately reported. The account was settled for less than the full balance and must be reported as such.

17. On or about October 6, 2023, Plaintiff notified Defendants of a dispute on the TD Bank account's completeness and/or accuracy. A copy of this letter is attached hereto as **Exhibit D.**

18. Therefore, Plaintiff disputed the accuracy of the derogatory information reported by TD Bank to the Consumer Reporting Agencies, via certified mail in accordance with 15 U.S.C. § 1681i of the FCRA.

19. In November of 2023, Plaintiff requested updated credit reports for review. The trade line for the TD Bank account in question remained inaccurate, as Defendants failed to correct the inaccuracy. The relevant portion of the November 2023 credit report is attached hereto as **Exhibit E**.

20. TransUnion did not notify TD Bank of the disputes by Plaintiff in accordance with the FCRA, or alternatively, did notify TD Bank and TD Bank failed to properly investigate and delete the trade line or properly update the trade line on Plaintiff's credit reports.

21. If TD Bank did perform a reasonable investigation of Plaintiff's dispute, Plaintiff's TD Bank account would be updated to reflect a settled status with a \$0 balance.

22. TD Bank has promised through its subscriber agreements or contracts to accurately update accounts, but TD Bank has nonetheless willfully, maliciously, recklessly, wantonly, and/or negligently failed to follow this requirement as well as the requirements set forth under the FCRA, which has resulted in the intended consequences of this information remaining on Plaintiff's credit reports.

23. Defendants failed to properly maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit information and Plaintiff's credit report, concerning the account in question, thus violating the FCRA. These violations occurred before, during, and after the dispute process began with TransUnion.

24. At all times pertinent hereto, Defendants were acting by and through their agents, servants and/or employees, who were acting within the scope and course of their employment, and under the direct supervision and control of the Defendants herein.

25. At all times pertinent hereto, the conduct of Defendants, as well as that of their agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal law and the rights of the Plaintiff herein.

CLAIM FOR RELIEF

26. Plaintiff reasserts and incorporates herein by reference all facts and allegations set forth above.

27. TD Bank is reporting inaccurate credit information concerning Plaintiff to one or more credit bureaus as defined by 15 U.S.C. § 1681a of the FCRA.

28. TD Bank failed to complete an investigation of Plaintiff's written dispute and provide the results of an investigation to Plaintiff and the credit bureaus within the 30-day statutory period as required by 15 U.S.C. § 1681s-2(b).

29. TD Bank failed to update Plaintiff's credit report and/or notify the credit bureaus that the TD Bank account in question was disputed in violation of 15 U.S.C. § 1681s-2(b).

30. TD Bank failed to promptly modify the inaccurate information on Plaintiff's credit report in violation of 15 U.S.C. § 1681s-2(b).

31. TransUnion failed to delete information found to be inaccurate, reinserted the information without following the FCRA, or failed to properly investigate Plaintiff's disputes as required by 15 U.S.C. § 1681i(a).

32. TransUnion failed to maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit report, concerning the account in question, violating 15 U.S.C. § 1681e(b).

33. As a result of the above violations of the FCRA, Plaintiff suffered actual damages in one or more of the following forms: lower credit score, denial of credit, embarrassment and emotional distress caused by the inability to obtain financing for everyday expenses, rejection of credit card application, higher interest rates on loans that would otherwise be affordable and other damages that may be ascertained at a later date.

34. As a result of the above violations of the FCRA, Defendants are liable to Plaintiff for actual damages, punitive damages, statutory damages, attorney's fees and costs.

WHEREFORE, Plaintiff prays that judgment be entered against Defendants as for actual damages, punitive damages, reasonable attorney's fees, and any such other relief as may be just and proper.

Respectfully Submitted,

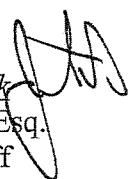

/s/ *J Andrew Shuniak*
J Andrew Shuniak, Esq.
Attorney for Plaintiff
Law Offices of Robert S.
Gitmeid & Assoc., PLLC
814 Admiral Gravely Boulevard
Richmond, VA 23231
Tel: (571) 201-9021
Fax: (212) 208-2591
Jandrew.S@gitmeidlaw.com

EXHIBIT A



RAS LaVrar, LLC
 1133 S. University Drive, 2nd Floor
 Plantation, FL 33324
 800-531-5490
 TTY: 844-384-6768
www.raslavrarr.com

Creditor: TD BANK USA, N.A.
 Account Number: XXXXXXXXXXXX8547
 RAS File Number: 3000948220
 Current Balance: \$2,630.10
 Product/Brand: TARGET CREDIT CARD

March 16, 2023

THE LAW OFFICES OF ROBERT S. GITMEID & ASSOC., PLLC

8220*

Dear JANE C PHILLIPS:

This will confirm your agreement for repayment of the above-referenced TARGET CREDIT CARD credit account. You have agreed to pay a total of \$2,630.10 according to the payment schedule below.

Step	Payment Amount	Beginning Payment Date	Payment Frequency (per)
Step 1	\$1,980.00	3/31/2023	Once
then, Step 2	n/a	n/a	n/a
then, Step 3	n/a	n/a	n/a

All payments are due in our office on or before the "Beginning Payment Date." Monthly payments begin on the "Beginning Payment Date" and are then due on the same day of each month thereafter until the payment plan is completed. The final payment may be less than Payment Amount listed above, depending on the repayment schedule and payments received on this account. If you would like to review your balance, you can visit www.raslavrarr.com or call 1-800-531-5490.

This offer will expire and become void if the payment(s) are not received by the due date(s) listed above. We are not obligated to renew this settlement offer after the expiration date. However, opportunities to settle may be available at a later date. Payment(s) may be made by visiting our website at www.raslavrarr.com, via phone pay ACH by calling our office at 800-531-5490, or by mail or delivery to RAS LaVrar, LLC at the above address. Checks or money orders should be made payable to TD BANK USA, N.A.. Please ensure that our file number is shown on your payment. When you provide a check as payment, you authorize us to either use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

Please review, sign and return this agreement. Should you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,
 RAS LaVrar, LLC

- Sarah A. Cox, Esq.
 Benjamin F. Kavanagh, Esq.

JANE C PHILLIPS

Date

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

EXHIBIT B



Physical Address
4012 Raintree Road
Suite 100A
Chesapeake, VA 23321

Toll Free: 800-531-5490
Fax: 954-735-0227
TTY: 844-384-6768
www.raslavrar.com

Mailing Address
1133 S. University Drive
2nd Floor
Plantation, FL 33324

THE LAW OFFICES OF ROBERT S. GITMEID & ASSOC.,
PLLC
[REDACTED]



RE: TD BANK USA, N.A. / JANE C PHILLIPS
RASL File Number: [REDACTED] 8220

Letter Date: April 6, 2023
Product/Brand: TARGET CREDIT CARD

Dear JANE C PHILLIPS

Both this firm and TD BANK USA, N.A. would like to thank you for your diligent and successful effort to repay your debt to TD BANK USA, N.A. Your final payment extinguishing your debt was received on 03/22/2023 and has been credited to your account. Upon clearance of the funds, we will inform our client as to the status of your account and close our file accordingly.

Should you have any questions concerning the collection activity which has occurred on this account, please do not hesitate to contact us. For inquiries concerning reestablishing credit with TD BANK USA, N.A., you should contact them directly.

Again, thank you for your continued attention to this matter during the repayment period.

Sincerely,



Flynn Lavrar, Esq.

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EXHIBIT C

FILE #		DATE COMPLETED	7/10/2023	RQD' BY	
SEND TO		DATE ORDERED	7/10/2023		
		REPOSITORIES	TU	PRPD' BY	
		PRICE		LOAN TYPE	
		REF. #			

PROPERTY ADDRESS

APPLICANT			CO-APPLICANT				
APPLICANT	PHILLIPS, JANE		CO-APPLICANT				
SOC SEC #		DOB	SOC SEC #		DOB		
MARITAL STATUS			DEPENDENTS				

CREDIT

ECOA CODE	WHOSE	CREDITOR	DATE REPORTED	DATE OPENED	HIGH CREDIT OR LIMIT	BALANCE	PAST DUE	MO REV	30	60	90+	STATUS
				DLA	ACCT TYPE	TERMS			30	60	90+	

COLLECTION ACCOUNTS

ECOA CODE	WHOSE	CREDITOR	DATE REPORTED	DATE OPENED	HIGH CREDIT OR LIMIT	BALANCE	PAST DUE	MO REV	30	60	90+	STATUS
				DLA	ACCT TYPE	TERMS			30	60	90+	

B B TARGET/TD 06/23 12/11
 03/23 \$2300 REV \$650 - \$650 00 - - - - CHARGE OFF
 TU

ECOA KEY: B=BORROWER; C=CO-BORROWER; J=JOINT; U=UNDESIGNATED; A=AUTHORIZED USER; P=PARTICIPANT; S=CO-SIGNER;
 M=MAKER; X=DECEASED; I=INDIVIDUAL; T=TERMINATED

EXHIBIT D



The Law Offices of
ROBERT S. GITMEID & ASSOC., PLLC

October 6, 2023

VIA CERTIFIED MAIL

Transunion Consumer Solutions
P.O. Box 2000
Chester, PA 19016

Equifax Information Services, LLC
P.O. Box 105139
Atlanta, GA 30348

Experian
P.O. Box 4500
Allen, TX 75013

Re:	Jane Phillips
Original Creditor:	TD Bank, National Association d/b/a Target Credit
Account No.:	Ending in 8547
Collection Agency:	RAS LaVrar, LLC
Collection Account No.:	Ending in 8220
SSN:	Ending in [REDACTED]
Address:	[REDACTED]

Dear Sir and/or Madam,

Please be advised that this office was retained to represent Jane Phillips with respect to her claims for violations under the Fair Credit Reporting Act, 15. U.S.C. § 1681, et seq. (the "FCRA") and other claims related to unlawful credit reporting practices.

On or about March 16, 2023, Ms. Phillips and RAS LaVrar, LLC on behalf of TD Bank, National Association d/b/a Target Credit ("TD") entered into a settlement agreement for the above-referenced account. A copy of the settlement agreement is attached herein for your review. Pursuant to the terms of the settlement, Ms. Phillips was required to make a lump sum payment totaling \$1,980.00 to settle and close her TD account. Ms. Phillips, via her debt settlement representative, timely made the requisite settlement payment. A paid in full letter is attached herein for your review.

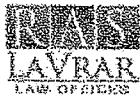
However, over three months later, Ms. Phillips' account continues to be negatively reported by the original creditor, TD Bank, National Association d/b/a Target Credit. In particular, on a requested credit report dated July 10, 2023, Ms. Phillips' account was reported with a status of "CHARGE OFF", a balance of \$650.00 and a past due balance of \$650.00. The relevant portion of Ms. Phillips' credit report is attached herein for your review. The trade line was inaccurately reported. As evidenced by the enclosed documents, the account was settled in full and has a balance of \$0.00.

Please take notice that this dispute is made pursuant to 15 U.S.C. § 1681i under the FCRA. Therefore, if this inaccuracy is not corrected within thirty (30) days, we will pursue further legal process on behalf of our client.

Thank you for your prompt attention to this important matter.

Very truly yours,

Caroline Zak
Paralegal
The Law Offices of Robert S. Gitmeid
& Associates, PLLC
Caroline.Z@gitmeidlaw.com
(866) 249-1137



RAS LaVrar, LLC
 1133 S. University Drive, 2nd Floor
 Plantation, FL 33324
 800-531-5490
 TTY: 844-384-6768
www.raslavr.com

Creditor: TD BANK USA, N.A.
 Account Number: XXXXXXXXXXXX8547
 RAS File Number: 3000948220
 Current Balance: \$2,630.10
 Product/Brand: TARGET CREDIT CARD

March 16, 2023

THE LAW OFFICES OF ROBERT S. GITMEID & ASSOC., PLLC

8220*

Dear JANE C PHILLIPS:

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Step 1	\$1,980.00	3/31/2023	Once
then, Step 2	n/a	n/a	n/a
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This offer will expire and become void if the payment(s) are not received by the due date(s) listed above. We are not obligated to renew this settlement offer after the expiration date. However, opportunities to settle may be available at a later date. Payment(s) may be made by visiting our website at www.raslavr.com, via phone pay ACH by calling our office at 800-531-5490, or by mail or delivery to RAS LaVrar, LLC at the above address. Checks or money orders should be made payable to TD BANK USA, N.A.. Please ensure that our file number is shown on your payment. When you provide a check as payment, you authorize us to either use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

Please review, sign and return this agreement. Should you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,
 RAS LaVrar, LLC

Sarah A. Cox, Esq.
 Benjamin F. Kavanagh, Esq.

JANE C PHILLIPS

Date

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Physical Address
4012 Raintree Road
Suite 100A
Chesapeake, VA 23321

Toll Free: 800-531-5490
Fax: 954-735-0227
TTY: 844-384-6768
www.raslavrar.com

Mailing Address
1133 S. University Drive
2nd Floor
Plantation, FL 33324

THE LAW OFFICES OF ROBERT S. GITMEID & ASSOC.,
PLLC



RE: TD BANK USA, N.A. / JANE C PHILLIPS
RASL File Number: [REDACTED] 8220

Letter Date: April 6, 2023
Product/Brand: TARGET CREDIT CARD

Dear JANE C PHILLIPS

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Should you have any questions concerning the collection activity which has occurred on this account, please do not hesitate to contact us. For inquiries concerning reestablishing credit with TD BANK USA, N.A., you should contact them directly.

Again, thank you for your continued attention to this matter during the repayment period.

Sincerely,



Flynn Lavrar, Esq.

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FILE #		DATE COMPLETED	7/10/2023	RQD' BY	
SEND TO		DATE ORDERED	7/10/2023		
		REPOSITORIES	TU	PRPD' BY	
		PRICE		LOAN TYPE	
		REF. #			

PROPERTY ADDRESS

APPLICANT			CO-APPLICANT		
APPLICANT	PHILLIPS, JANE		CO-APPLICANT		
SOC SEC #	DOB		SOC SEC #		
MARITAL STATUS	DEPENDENTS			DOB	

CREDIT

E C O A	W H O S E	CREDITOR	DATE REPORTED	DATE OPENED	HIGH CREDIT OR LIMIT	BALANCE	PAST DUE	MO REV	30	60	90+	STATUS
				DLA	ACCT TYPE	TERMS			30	60	90+	

COLLECTION ACCOUNTS

E C O A	W H O S E	CREDITOR	DATE REPORTED	DATE OPENED	HIGH CREDIT OR LIMIT	BALANCE	PAST DUE	MO REV	30	60	90+	STATUS
				DLA	ACCT TYPE	TERMS			30	60	90+	

B B TARGET/TD	06/23	12/11 03/23	\$2300 REV	\$650 -	\$650 00	- - -	CHARGE OFF TU
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ECOA KEY: B=BORROWER; C=CO-BORROWER; J=JOINT; U=UNDESIGNATED; A=AUTHORIZED USER; P=PARTICIPANT; S=CO-SIGNER;
M=MAKER; X=DECEASED; I=INDIVIDUAL; T=TERMINATED

EXHIBIT E

Credit report

TransUnion Equifax Experian All bureaus

Bureau

TransUnion

VantageScore 3.0

Report date

Nov 27, 2023

Personal info

Reported names

Jane C Phillips

DOB

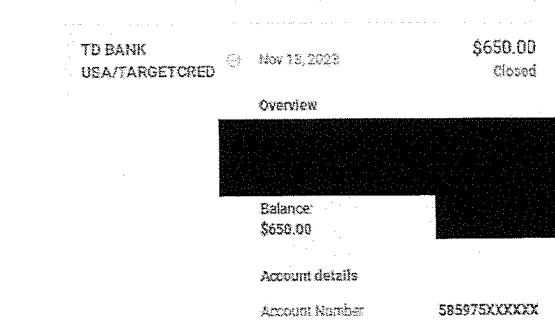
SSN

Employment info

Addressess

Account summary

Accounts



Creditor Information

TARGET/TD

[REDACTED]
[REDACTED]

